

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

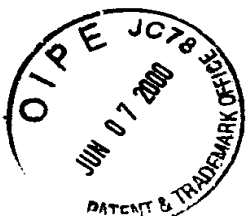
In re application of

Kristof CHWALISZ et al.

Serial No.: 09/395,982

Filed: September 15, 1999

For: **HORMONE REPLACEMENT THERAPY**



Group Art Unit: 1614

Examiner: K. Jordan

#6-
JRP
6/22/00

RESPONSE

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In response to the Office Action mailed on December 7, 1999, please consider the following remarks.

REMARKS

As noted in the paper entitled "Notice of Copying Claims" filed on November 21, 1996, in parent Serial No. 08/752,948, this application copies the claims of U.S. Patent No. 5,468,736 on which the Examiner bases both rejections.

One or more claims of this application are entitled to the benefit of priority of copending U.S. application Serial No. 08/462,705 of June 5, 1995 and its ancestor applications 08/115,008 of September 1, 1993; 07/843,058 of March 2, 1992 and PCT/US93/01931 of March 2, 1993. Benefit of such applications is hereby claimed. The examiner has noted a lack of such a claim. As for the mentioned "evidence" of such priority, see, e.g., PCT/US93/01931 of March 2, 1993, Example II, page 23, line 36-page 24, line 3 and Results, page 22, line 30-page 23, line 2, for example. Thus, USP 5,468,736 and WO 94/18983 are not references under 35 U.S.C. 102(b). It is respectfully submitted that issues under the cited 35 U.S.C. 102 e and g, and especially f, should be resolved in an interference